

**ENCLOSURE 1**  
**GENERAL NOTICE REGARDING**  
**CES ENVIRONMENTAL SERVICES, INC. - HOUSTON**  
**HOUSTON, HARRIS COUNTY, TEXAS**

This General Notice is from the U.S. Environmental Protection Agency (EPA). This General Notice is directed to you, the Potentially Responsible Party (PRP) of the CES Environmental Services, Inc.- Houston Site (Site). This General Notice does five things:

1. This General Notice tells you that you may be responsible for the presence of hazardous substances found at the Site. When we say “Site” or “property” in this General Notice, we mean the CES Environmental Services, Inc.- Houston Site. The street address for the Site is 4904 Griggs Road, Houston, Harris County, Texas. The street addresses of the contiguous properties that are parts of the Site are 4900 Griggs Road and 5910 Wayland Street. This General Notice is issued under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund).
2. This General Notice provides you with background information leading up to the EPA’s investigation of the Site and the EPA’s activities to determine the source(s) of the contamination at the Site.
3. This General Notice invites you to meet and enter a settlement with the EPA as a Settling Party regarding the cleanup of this Site and cooperation in conducting the on-going removal action at the Site and for reimbursement of past and future costs.
4. This General Notice advises you that, if you request the EPA to do so, the EPA will consider your ability to pay in determining an appropriate settlement amount.
5. This General Notice provides to you the names of all entities, i.e., PRPs, to which this General Notice will be mailed.

**NOTICE THAT YOU MAY BE LIABLE**

Under Section 107 of CERCLA, 42 U.S.C. § 9607, responsible parties are those who are current owners or operators of a facility, past owners or operators who owned or operated the facility at the time hazardous substances were released or disposed of at the facility, persons who arranged for disposal or treatment at the facility (usually the person(s) who generated the hazardous substance) or persons who selected that facility and transported the hazardous substances to the facility. Section 107 of CERCLA, 42 U.S.C. § 9607, states that responsible parties are liable to the United States for the costs it has incurred or will incur conducting a response action such as that proposed for the Site. A PRP is therefore responsible for performing the cleanup action in accordance with the EPA requirements, paying for the cleanup by the EPA and reimbursing the Federal Government for past and future costs of the cleanup activities.

**BACKGROUND**

This Site is a former chemical recycling facility that filed for bankruptcy in 2010. Prior to the bankruptcy, the Site had been owned and operated by CES Environmental Services, Inc. The Site is now under the control of a Trustee for the Estate appointed by the Bankruptcy Court. The Estate does not

have the funding necessary to address the conditions at the Site. The Site consists of approximately 11 vacuum boxes, two roll-off boxes, 12 frac tanks, two tanker trailers, 20 aboveground storage tanks, 15 waste water treatment tanks, waste piles, and numerous totes, vats, drums, and smaller containers. Additionally, there is spillage of chemicals to exterior surfaces as well as building interiors. The Site has experienced significant vandalism since its bankruptcy in 2010, including recent vandalism that caused additional spillage of chemicals and waste to the ground surface and into an adjacent residential neighborhood. Emergency responses to these spills have involved the Estate, City of Houston, Texas Commission on Environmental Quality (TCEQ) and the EPA. These spill responses were addressed by TCEQ and the EPA.

The information provided by the Estate's consultant shows that there are hazardous wastes along with various hazardous substances within containers located on the Site. The hazardous substances include but are not limited to Benzene (D018), Creosol (D023-026), 2,4,6-Trichlorophenol (D042), pH (D002), Ignitability (D001), MEK (D035), and 1,2-Dichloroethane (D028). These chemicals are hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. 9601(14), and further defined at 40 C.F.R. 302.4.

On June 10, 2015, the TCEQ signed a Voluntary Cleanup Program Agreement with the CES Griggs Road PRP Group (CES Group). The agreement requires the CES Group submit to TCEQ an Affected Property Assessment Report not later than December 31, 2015, a Response Action Plan not later than 120 days after TCEQ's approval of Affected Property Assessment Report, and a Response Action Completion Report not later than 90 days after completion of the response action. The agreement also requires the CES Group establish and maintain a website accessible to the public to keep the public informed of ongoing activities at the Site.

### **Response Actions to Date**

On or about September 3, 2014, the EPA mobilized its contractors to begin addressing the wastes and spills at the Site. On June 10, 2015, the EPA demobilized from the Site.

As of June 3, 2015, the EPA Team and the Trustee had addressed the following:

1. Management of storm water to reduce off-site overflow of contaminated storm water from the Site.
2. Removal of wastes from ten of twelve vacuum boxes and from two of two roll-off boxes.
3. Removal of wastes from eight of twelve frac tanks. Three frac tanks currently hold wastes.
4. Removal of liquid, i.e., pump able, wastes from eleven of twenty-three aboveground storage tanks (AST). Sludge and residual materials remain until sludge removal and tank cleaning of ASTs is completed.
5. Empty totes/drums have been segregated for temporary storage.
6. Waste piles dumped to the ground from the theft of seven roll-off boxes was removed by the Trustee.

7. Lab chemicals/company process samples were collected and disposed by the Trustee.
8. Process chemicals were collected and disposed by the Trustee.
9. Waste piles dumped to the ground from the theft of seven roll-off boxes was removed by the Trustee.
10. Lab chemicals/company process samples were collected and disposed of by the Trustee.
11. Process chemicals were collected and disposed by the Trustee.

### **PARTICIPATION**

The EPA is inviting you to enter into a settlement with the EPA. In addition to avoiding the costs of litigation, settling with the EPA provides you with another advantage. Under the Superfund law, settling with the EPA helps protect you should another responsible party sue you for costs which that party pays to the EPA. Also, if you choose not to settle with the EPA, then the EPA may take civil administrative action and, ultimately, the EPA may request civil judicial action. A list of entities receiving this General Notice letter is included as Enclosure 3 to this letter.

### **OPPORTUNITY TO MEET**

The EPA will also provide you the opportunity to meet with the EPA representatives to discuss your desire to enter into a settlement with the EPA.

### **FINANCIAL CONCERNS/ABILITY TO PAY SETTLEMENTS**

The EPA is aware the financial ability of some PRPs to contribute toward the cleanup and/or payment of response costs at a site may be substantially limited. If you believe and can document that you fall within that category, please contact Mr. Robert Werner at 214-665-6724 for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements. If the EPA concludes that you have a legitimate inability to pay the full amount of the EPA's costs, the EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that because the EPA has a potential claim against you, if your financial status changes in any significant way, i.e., filing for bankruptcy, you must include the EPA as a creditor.

### **RESOURCES AND INFORMATION FOR SMALL BUSINESSES**

On January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at:

<http://www.epa.gov/swerosps/bf/sblrbra.htm>

and review the EPA guidance regarding these exemptions at:

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund>

The EPA has created a number of helpful resources for small businesses. The EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers, which offer various forms of resources to small businesses. You may inquire about these resources at [www.epa.gov](http://www.epa.gov).

In addition, the EPA Small Business Ombudsman may be contacted at [www.epa.gov/sbo](http://www.epa.gov/sbo). Finally, the EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA), which is enclosed with this letter (Enclosure 4).

### **YOUR RESPONSE TO EPA**

Please notify Mr. Werner in **writing** at the address indicated below ***within 30 calendar days after you receive this letter*** to indicate your willingness to enter in good faith as a Settling Party. **If the EPA does not receive your written response within 30 calendar days after you receive this letter, the EPA will assume you do not wish to be a Settling Party and the EPA will then take whatever actions are necessary to abate the potential threat to human health and the environment posed by contaminants on the property.**

Your response to this letter should be directed to:

Mr. Robert Werner  
Enforcement Officer (6SF-TE)  
United States Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Dallas, Texas 75202  
Telephone: 214-665-6724, Fax: 214-665-6660  
[werner.robert@epa.gov](mailto:werner.robert@epa.gov)

If you or your attorney have legal questions pertaining to this matter, please direct them to:

Ms. Amy Salinas  
Assistant Regional Counsel (6RC-S)  
United States Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Dallas, Texas 75202  
Telephone: 214-665-8063, Fax: 214-665-6460  
[salinas.amy@epa.gov](mailto:salinas.amy@epa.gov)

The discussions of fact or law in this General Notice are meant to help you understand CERCLA and the EPA's actions at the Site. The discussions of fact and law are not final positions on any matter discussed in this General Notice.

**ENCLOSURE 2**  
**GENERAL NOTICE REGARDING**  
**CES ENVIRONMENTAL SERVICES, INC. - HOUSTON**  
**HOUSTON, HARRIS COUNTY, TEXAS**

**EVIDENTIARY DOCUMENTATION**

**SAMPLES OF EVIDENCE**

Enclosed are copies of samples of documented evidence that identifies the name of your company. The examples are not intended to represent all the evidence in CES records. It is only a representative sample that identifies:

1. A waste hazardous substance that was generated by your company and was transported to the Site for disposal and/or recycling, or
2. A waste hazardous substance that was generated by your company and that was transported in a CES tanker trailer to a facility other than the Site for disposal and/or recycling. The EPA believes that residue of the waste hazardous substance that had been transported in the CES tanker trailer was released at the Site when the interior of the CES tanker trailer was cleaned at the Site.

**ENCLOSURE 3**  
**GENERAL NOTICE LETTER REGARDING**  
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**ALL ENTITIES TO WHICH THIS GENERAL NOTICE HAS BEEN MAILED**

**List of names / addresses will be added after the GNL is approved through eRouting (see attached Excel spreadsheet in Routing for addressee names)**

**ENCLOSURE 4**  
**GENERAL NOTICE LETTER REGARDING**  
**CES ENVIRONMENTAL SERVICES, INC. - HOUSTON**  
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**SMALL BUSINESS RESOURCES FACT SHEET**